

FORM PTO-1390
(REV 2-2005)
OMB-0651-0021

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.
12007-0075

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: **October 20, 2008**

U.S. APPLN. NO.
(IF KNOWN, SEE 37 C.F.R. 1.5)
10/584,270

INTERNATIONAL APPLICATION NO.

PCT/DE2004/002723

INTERNATIONAL FILING DATE

December 13, 2004

PRIORITY DATE CLAIMED

December 23, 2003

TITLE OF INVENTION: **SPECIES-SPECIFIC AND QUANTITATIVE DETECTION OF CNS TISSUE IN MEAT AND MEAT PRODUCTS (AS AMENDED)**

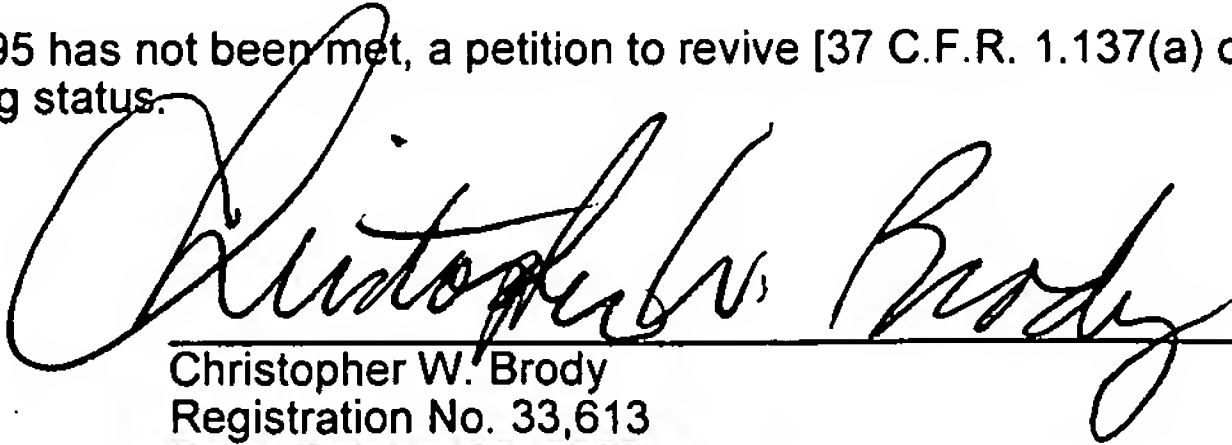
APPLICANT(S) FOR DO/EO/US: **Michael BULTE, Holger SCHONENBRUCHER and Amir ABDULMAWJOOD**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☐ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Petition to Withdraw Holding of Abandonment, Copy of Notice, Printed Sequence Listing**

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 10/584,270		INTERNATIONAL APPLICATION NO. PCT/DE2004/002723		ATTORNEY DOCKET NO. 12007-0075 DATE: October 20, 2008	
<input type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
<input type="checkbox"/> 21.) Basic National Fee \$300				\$	
<input type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100 All other situations \$200				\$	
<input type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office. \$400 All other situations \$500				\$	
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100	/50=		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		X \$50.00	\$	
Independent Claims	- 3 =		X \$200.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$	
Petition for 1-Month Extension of Time =				\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded	\$
				Charged	\$
a. <input type="checkbox"/> A check in the amount of \$0 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$_____ to cover the above fee. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: CLARK & BRODY 1090 Vermont Avenue, N.W. Suite 250 Washington, D.C. 20005 Telephone: 202-835-1111 Fax: 202-835-1755 Customer Number: 22902					
				 Christopher W. Brody Registration No. 33,613 Date: October 20, 2008	

CWB
12007-0075
DOCKETED



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/584,270	Michael Bülte	12007-0075

22902

CLARK & BRODY

1090 VERMONT AVENUE, NW

SUITE 250

WASHINGTON, DC 20005

INTERNATIONAL APPLICATION NO.

PCT/DE2004/002723

I.A. FILING DATE	PRIORITY DATE
12/13/2004	12/23/2003

CONFIRMATION NO. 5610

371

ABANDONMENT/TERMINATION
LETTER



OC000000032024818

Date Mailed: 09/12/2008

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to properly respond to Notification of Missing Requirements dated March 22, 200, regarding Sequence Requirement. Please refer to document dated 08/27/08, that is attached or to PAIR.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

COPY

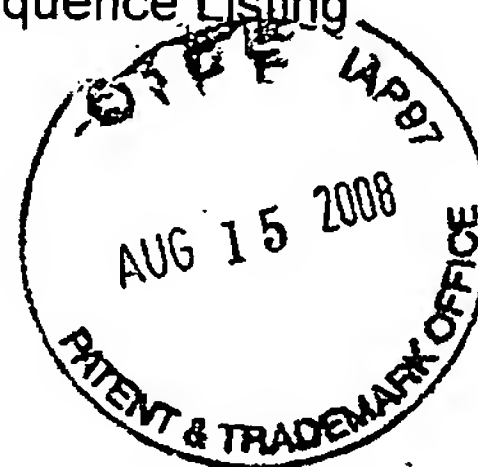
Applicant: Michael BULTE et al.
U.S. Application No.: 10/584,270

Docket No.: 12007-0075
Filing Date: June 23, 2006

Title: SPECIES-SPECIFIC AND QUANTITATIVE DETECTION OF CNS
TISSUE IN MEAT AND MEAT PRODUCTS (as amended)

PAPERS BEING FILED:

1. Response to Notification of Defective Response
2. Copy of Notification of Defective Response dated 7/21/08
3. Printout of English Translation of Sequence Listing
4. Compact Disk with Electronic Version of Sequence Listing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TODAY'S DATE: August 15, 2008

Atty: CWB/tb

COPY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES DESIGNATED OFFICE/RECEIVING OFFICE**

In re the Application of:

Michael BULTE et al.

Art Unit: not yet assigned

Application No.: 10/584,270

Examiner: not yet assigned

Filed: June 23, 2006

Attorney Dkt. No.: 12007-0075

For: SPECIES-SPECIFIC AND QUANTITATIVE DETECTION OF CNS TISSUE IN
MEAT AND MEAT PRODUCTS (as amended)

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the Notification of Defective Response dated July 21, 2008. First, Applicants already submitted a compact disk per the June 22, 2007 filing so it is not understood why this second notice was issued. Nevertheless, Applicants are resubmitting a compact disk in computer readable format containing the sequence listing for the above-referenced application. Also attached is a print out of the listing as contained on the disk.

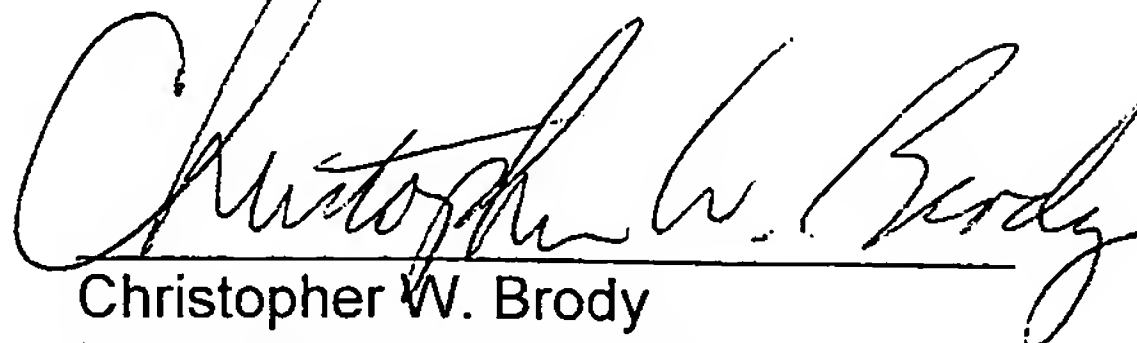
I hereby state that the information on the attached disc is the same as the written sequence listing submitted as part of the application filing papers, and that the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing.

I hereby state that this submission, filed in accordance with 37 CFR 1.821(g), does not go beyond the disclosure of the International Application, i.e., does not add new matter to the application, which serves as the basis for the instant application.

COPY

Please charge any fee deficiency or credit any overpayment to Deposit
Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in cursive script, reading "Christopher W. Brody", written over a horizontal line.

Christopher W. Brody
Registration No. 33,613

Customer No. 22902

1090 Vermont Avenue, NW, Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Facsimile: 202-835-1755

Docket No.: 12007-0075
Date: August 15, 2008

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UNITED STATES PATENT AND TRADEMARK OFFICE

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CWB
12007-0075
DOCKETED
Response Due:
Aug 21, 2008

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/584,270	Michael Bülte	12007-0075

22902
CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON, DC 20005

INTERNATIONAL APPLICATION NO.	
PCT/DE2004/002723	
I.A. FILING DATE	PRIORITY DATE
12/13/2004	12/23/2003

CONFIRMATION NO. 5610
371 FORMALITIES LETTER



OC000000031036900

Date Mailed: 07/21/2008

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 06/23/2006
- English Translation of the IA filed on 06/23/2006
- Copy of the International Search Report filed on 06/23/2006
- Preliminary Amendments filed on 06/22/2007
- Information Disclosure Statements filed on 06/22/2007
- Oath or Declaration filed on 06/22/2007
- Biochemical Sequence Listing filed on 06/22/2007
- U.S. Basic National Fees filed on 06/23/2006
- Priority Documents filed on 06/23/2006
- Non-English Language Application filed on 06/23/2006
- Specification filed on 06/23/2006
- Claims filed on 06/23/2006
- Abstracts filed on 06/23/2006
- Drawings filed on 06/23/2006
- Paper nucleotide sequence listings filed on 06/23/2006

COPY

Applicant's response filed 06/22/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/22/2007 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing

Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

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